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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,145	11/04/2003	David S. Benco	36-26-26-30-26	4835

7590 01/17/2006

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER

BEAMER, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,145

Applicant(s)

BENCO ET AL

Examiner

Temica M. Beamer

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Marsico et al (Marsico), U.S. Patent Pub. No. 2004/0170174.

Regarding claim 1, Marsico discloses a method comprising: maintaining a subscriber database including indicia of multiple communication units of a subscriber; determining an active unit of the multiple communication units; designating the active unit in the subscriber database; and providing service to the active unit (0024, 0026 and 0032).

Regarding claim 2, Marsico discloses the method of claim 1, wherein the step of determining an active unit is accomplished upon service provisioning of one of the multiple communication units (0032).

Regarding claim 3, Marsico discloses the method of claim 1, wherein the step of determining an active unit is accomplished responsive to a subscriber selection of an active unit (0032).

Regarding claim 4, Marsico discloses the method of claim 3, wherein the step of determining an active unit is periodically re-accomplished responsive to one or more subscriber requests to change active units (0024).

Regarding claim 5, Marsico discloses the method of claim 4, comprising: receiving a subscriber request to change designation of the active unit of the multiple communication units from a present active unit to a new active unit; designating the new active unit in the subscriber database; and providing service to the new active unit under the shared service plan (0024 and 0032).

Regarding claim 6, Marsico discloses the method of claim 1, wherein the subscriber database includes indicia of multiple communication units of a subscriber sharing a directory number, the step of determining an active unit comprises selecting, from among the multiple communication units, a single unit designated as the active unit (0021).

Regarding claim 7, Marsico discloses the method of claim 6, wherein the step of providing service to the active unit comprises receiving a call request to the directory number; consulting the database to determine the active unit of the multiple communication units; and routing the call to the active unit (0022, 0039).

Regarding claim 9, Marsico receiving a call request directed to the directory number; consulting a database to determine a multiple device feature status associated with the directory number; if the multiple device feature is enabled, consulting the database to determine an active unit from among the two or more units sharing the directory number; and routing the call to the active unit (0022).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsico.

Regarding claim 8, Marsico discloses the method of claim 7 as described above and further discloses obtaining billing information for calls made from/to the devices and inherently recording the billing information in a database linked to a user/device as evidenced by the fact that a bill is generated (0022).

Although various databases (130/134, etc.) are disclosed, Marsico, however, fails to disclose recording the billing information in the subscriber database.

The examiner contends, however, that the actual database in which billing information is stored is a design choice. Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Marsico with the subscriber database recording the billing information, as such implementation would require only routine skill in the art.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsico in view of Cai, U.S. Patent Pub. No. 2005/0027624.

Regarding claim 10, Marsico discloses maintaining a subscriber database including indicia of multiple wireless units of the subscriber sharing the wireless service plan (0022).

Marsico, however, fails to disclose monitoring subscriber activity among the multiple wireless units relative to the one or more service thresholds, the subscriber activity defining a collective amount of service provided to the multiple wireless units within a billing period associated with the wireless service plan; and billing the subscriber activity according to the wireless service plan.

In a similar field of endeavor, Cai discloses a supplementary prepaid account for postpaid service subscribers.

Cai further discloses monitoring subscriber activity among a wireless unit relative to one or more service thresholds, the subscriber activity defining a collective amount of service provided to the multiple wireless units within a billing period associated with the wireless service plan; and billing the subscriber activity according to the wireless service plan (0004, 0006, 0007).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Marsico with the teachings of Cai for the purpose of keeping a more accurate of subscriber charges.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Julin, U.S. Patent No. 6,212,372, discloses a method in a mobile telephone system in which a SIM is allocated at least two identities which are selectively activated by the user.

Gallant, U.S. Patent No. 6,259,782, discloses one-number communications system and service integrating wireline/wireless telephone communications systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer
Primary Examiner
Art Unit 2681

tmb

Temica M. Beamer
TEMICA BEAMER
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7/22/05